



Sen. Terry Link

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1 AMENDMENT TO HOUSE BILL 5727

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5727 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Counties Code is amended by changing  
5 Sections 2-3003, 2-3004, 2-5009, and 2-5011 as follows:

6 (55 ILCS 5/2-3003) (from Ch. 34, par. 2-3003)

7 Sec. 2-3003. Apportionment plan.

8 (1) If the county board determines that members shall be  
9 elected by districts, it shall develop an apportionment plan  
10 and specify the number of districts and the number of county  
11 board members to be elected from each district and whether  
12 voters will have cumulative voting rights in multi-member  
13 districts. Each such district:

- 14 a. Shall be equal in population to each other district;  
15 b. Shall be comprised of contiguous territory, as  
16 nearly compact as practicable; and

1           c. May divide townships or municipalities only when  
2           necessary to conform to the population requirement of  
3           paragraph a. of this Section.

4           d. Shall be created in such a manner so that no  
5           precinct shall be divided between 2 or more districts,  
6           insofar as is practicable.

7           (2) The county board of each county having a population of  
8           less than 3,000,000 inhabitants may, if it should so decide,  
9           provide within that county for single member districts outside  
10          the corporate limits and multi-member districts within the  
11          corporate limits of any municipality with a population in  
12          excess of 75,000. Paragraphs a, b, c and d of subsection (1) of  
13          this Section shall apply to the apportionment of both single  
14          and multi-member districts within a county to the extent that  
15          compliance with paragraphs a, b, c and d still permit the  
16          establishment of such districts, except that the population of  
17          any multi-member district shall be equal to the population of  
18          any single member district, times the number of members found  
19          within that multi-member district.

20          (3) In a county where the Chairman of the County Board is  
21          elected by the voters of the county as provided in Section  
22          2-3007, the Chairman of the County Board may develop and  
23          present to the Board by the third Wednesday in May in the year  
24          after a federal decennial census year an apportionment plan in  
25          accordance with the provisions of subsection (1) of this  
26          Section. If the Chairman presents a plan to the Board by the

1 third Wednesday in May, the Board shall conduct at least one  
2 public hearing to receive comments and to discuss the  
3 apportionment plan, the hearing shall be held at least 6 days  
4 but not more than 21 days after the Chairman's plan was  
5 presented to the Board, and the public shall be given notice of  
6 the hearing at least 6 days in advance. If the Chairman  
7 presents a plan by the third Wednesday in May, the Board is  
8 prohibited from enacting an apportionment plan until after a  
9 hearing on the plan presented by the Chairman. The Chairman  
10 shall have access to the federal decennial census available to  
11 the Board.

12 (4) In a county where a County Executive is elected by the  
13 voters of the county as provided in 2-5007 of the Counties  
14 Code, the County Executive may develop and present to the Board  
15 by the third Wednesday in May in the year after a federal  
16 decennial census year an apportionment plan in accordance with  
17 the provisions of subsection (1) of this Section. If the  
18 Executive presents a plan to the Board by the third Wednesday  
19 in May, the Board shall conduct at least one public hearing to  
20 receive comments and to discuss the apportionment plan, the  
21 hearing shall be held at least 6 days but not more than 21 days  
22 after the Executive's plan was presented to the Board, and the  
23 public shall be given notice of the hearing at least 6 days in  
24 advance. If the Executive presents a plan by the third  
25 Wednesday in May, the Board is prohibited from enacting an  
26 apportionment plan until after a hearing on the plan presented

1 by the Executive. The Executive shall have access to the  
2 federal decennial census available to the Board.

3 (Source: P.A. 93-308, eff. 7-23-03.)

4 (55 ILCS 5/2-3004) (from Ch. 34, par. 2-3004)

5 Sec. 2-3004. Failure to complete reapportionment. If any  
6 county board fails to complete the reapportionment of its  
7 county by July 1 in 2011 ~~1971~~ or any 10 years thereafter or by  
8 the day after the county board's regularly scheduled July  
9 meeting in 2011 or any 10 years thereafter, whichever is later,

10 the county clerk of that county shall convene the county  
11 apportionment commission. Three members of the commission  
12 shall constitute a quorum, but a majority of all the members  
13 must vote affirmatively on any determination made by the  
14 commission. The commission shall adopt rules for its procedure.

15 The commission shall develop an apportionment plan for the  
16 county in the manner provided by Section 2-3003, dividing the  
17 county into the same number of districts as determined by the  
18 county board. If the county board has failed to determine the  
19 size of the county board to be elected, then the number of  
20 districts and the number of members to be elected shall be the  
21 largest number to which the county is entitled under Section  
22 2-3002.

23 The commission shall submit its apportionment plan by  
24 October 1 in the year that it is convened, except that the  
25 circuit court, for good cause shown, may grant an extension of

1 time, not exceeding a total of 60 days, within which such a  
2 plan may be submitted.

3 (Source: P.A. 86-962.)

4 (55 ILCS 5/2-5009) (from Ch. 34, par. 2-5009)

5 Sec. 2-5009. Duties and powers of county executive. Any  
6 county executive elected under this Division shall:

7 (a) see that all of the orders, resolutions and regulations  
8 of the board are faithfully executed;

9 (b) coordinate and direct by executive order or otherwise  
10 all administrative and management functions of the county  
11 government except the offices of elected county officers;

12 (c) prepare and submit to the board for its approval the  
13 annual budget for the county required by Division 6-1 of this  
14 Code;

15 (d) appoint, with the advice and consent of the board,  
16 persons to serve on the various boards and commissions to which  
17 appointments are provided by law to be made by the board;

18 (e) appoint, with the advice and consent of the board,  
19 persons to serve on various special districts within the county  
20 except where appointment to serve on such districts is  
21 otherwise provided by law;

22 (f) make an annual report to the board on the affairs of  
23 the county, on such date and at such time as the board shall  
24 designate, and keep the board fully advised as to the financial  
25 condition of the county and its future financial needs;

1       (f-5) for a county executive of a county that has adopted  
2 the executive form of government on or before the effective  
3 date of this amendatory Act of the 96th General Assembly,  
4 appoint, with the advice and consent of the board, all  
5 department heads for any county departments;

6       (g) appoint, with the advice and consent of the board, such  
7 subordinate deputies, employees and appointees for the general  
8 administration of county affairs as considered necessary,  
9 except those deputies, employees and appointees in the office  
10 of an elected county officer; however, the advice and consent  
11 requirement set forth in this paragraph shall not apply to  
12 persons employed as a member of the immediate personal staff of  
13 a county executive of a county that has adopted the executive  
14 form of government on or before the effective date of this  
15 amendatory Act of the 96th General Assembly;

16       (h) remove or suspend in his discretion, after due notice  
17 and hearing, anyone whom he has the power to appoint;

18       (i) require reports and examine accounts, records and  
19 operations of all county administrative units;

20       (j) supervise the care and custody of all county property  
21 including institutions and agencies;

22       (k) approve or veto ordinances or resolutions pursuant to  
23 Section 2-5010;

24       (l) preside over board meetings; however, the county  
25 executive is not entitled to vote except to break a tie vote;

26       (l-5) for a county executive of a county that has adopted

1 the executive form of government on or before the effective  
2 date of this amendatory Act of the 96th General Assembly, if  
3 the County Executive is temporarily not available to preside  
4 over a board meeting, the County Executive shall designate a  
5 board member to preside over the board meeting;

6 (m) call a special meeting of the county board, by a  
7 written executive order signed by him and upon 24 hours notice  
8 by delivery of a copy of such order to the residence of each  
9 board member;

10 (n) with the advice and consent of the county board, enter  
11 into intergovernmental agreements with other governmental  
12 units;

13 (o) with the advice and consent of the county board,  
14 negotiate on behalf of the county with governmental units and  
15 the private sector for the purpose of promoting economic growth  
16 and development;

17 (p) at his discretion, appoint a person to serve as legal  
18 counsel at an annual salary established by the county board at  
19 an amount no greater than the annual salary of the state's  
20 attorney of the county;

21 (q) perform such other duties as shall be required of him  
22 by the board.

23 (Source: P.A. 86-962.)

24 (55 ILCS 5/2-5011) (from Ch. 34, par. 2-5011)

25 Sec. 2-5011. Death, resignation or inability of county

1 executive. In case of the death, resignation or other inability  
2 of the county executive to act, the board shall select a person  
3 qualified under Section 2-5008 and Section 25-11 of the  
4 Election Code to serve as the interim county executive until  
5 the next general election.

6 (Source: P.A. 86-962.)

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.".